

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII


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|--------------------------------|---|------------------------------------|
| WAYNE BERRY, a Hawaii citizen; |) | CIVIL NO. CV03-00385 SOM-LEK |
| |) | (Copyright) |
| |) | |
| Plaintiff, |) | DEFENDANT PCT'S MOTION IN |
| |) | LIMINE NO. 5 (TO EXCLUDE OR |
| vs. |) | LIMIT THE TESTIMONY OF DR. |
| |) | PHILIP JOHNSON) |
| |) | |
| HAWAIIAN EXPRESS SERVICE, |) | Judge: Hon. Susan O. Mollway |
| INC., et al., |) | Trial Date: January 24, 2006 |
| |) | |
| Defendants. |) | Hearing Date: January 20, 2006 |
| _____ |) | Hearing Time: 2:00 p.m. |

**DEFENDANT PCT'S MOTION IN LIMINE NO. 5 (TO EXCLUDE OR
LIMIT THE TESTIMONY OF DR. PHILIP JOHNSON)**

COMES NOW Defendant PCT, by and through its attorneys, and hereby moves this Honorable Court in limine for an Order excluding or limiting the testimony of Dr. Philip Johnson.

This motion is based upon Rule 7 of the Federal Rules of Civil Procedure and Rules 401, 402, 403, and 404 of the Federal Rules of Evidence, and is supported by the Memorandum in Support of Motion, Declaration of Lex R. Smith, and Exhibits attached thereto and the records and files therein.

DATED: Honolulu, Hawaii, January 3, 2006.



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